

Appln No. 10/805,888
Amdt date January 10, 2008
Reply to Office action of November 5, 2007

REMARKS/ARGUMENTS

Claims 1-2, 4-29, and 31-40 are pending. Claims 1, 7, 8, 10, 19, and 28 are amended.

The undersigned attorney thanks Examiners Myint and Truong for their time for the telephonic interview on January 8, 2008.

Claims 7, 8 and 11 are rejected under 35 U.S.C. 112, second paragraph for informalities. In view of the amendments to these claims, it is respectfully requested that the above rejections be withdrawn.

Claims 1, 2, 4-29, and 31-40 are rejected under 35 U.S.C. 112, first paragraph as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 1, 2, 4-29, and 31-40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant respectfully submit that the claim language of "sharing the incentive among an early categorizer and a subsequent categorizer whose subsequent categorization is based on the categorization of the early categorizer" is supported throughout the specification and the Appendix A (a copy of which enclosed for the convenience of the Examiner along with a copy of the transmittal letter indicating that the Appendix A was enclosed with the original application). For example, the specification makes it clear that "[s]ometimes, the credit for a user selection is shared. For example, if the user has specified in his search criteria that either of two categorizing entities [categorizers] is acceptable, and both of these entities have categorized a content item in the specified way, then both entities [categorizers] validly deserve a share of the credit if the user selects that item." (Page 25, lines 5-10).

Furthermore, the Appendix A (mentioned throughout the text, e.g., on page 16, line 23, page 24, line 27, page 32, line 18 of the specification) describes data tables and their relationships. For example, the table "*CategorizationBasis*" is defined as a "way of ensuring that

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early categorizers get fair compensation for their efforts when better-known marketing-oriented entities utilize their categorizations to make categorizations of their own. Created when marketing-oriented entities use Pinpointer's automated tools to post categorizations based on prior categorizations by other entities." This table includes three fields: *CatIdAcknowledging*: (The unique identifier of the *ItemCategorization* that is based on a pre-existing ItemCategorization). *CatIdAcknowledged*: (The unique identifier of the pre-existing *ItemCategorization* on which a later ItemCategorization is based. *CreditShare*: (A percentage indicating the portion of an incentive payment to which the specified pre-existing *ItemCategorization* is entitled, relative to any other pre-existing ItemCategorizations on which the later ItemCategorization is also based.) See, page 4 of the Appendix A, or page 31 of the Provisional Application, which is incorporated by reference, underlining is added for emphasis.

Additionally, the table, "*ItemCategorization*" includes a field "*Categorizer Sequence*," which is a "representation of the order in which other *PersonsOrOrganizations who have made this categorization will be eligible for first categorizer rights.*" Another field "*1stCategorizerRightsInd*" indicates "that this categorization is eligible to receive incentive payments whenever users select the content item and category indicated." (Middle of page 20 of the Appendix A, or page 41 of the Provisional Application, underlining is added for emphasis.).

The above disclosure and definitions in the specification and the Appendix A (or the Provisional application) clearly support the claimed language of "sharing the incentive among an early categorizer and a subsequent categorizer whose subsequent categorization is based on the categorization of the early categorizer." Accordingly, it is respectfully requested that the above rejections be withdrawn.

Claims 1-2, 4-9, 11-15, 17, 19-23, 25-29, and 31-40 are rejected under 35 U.S.C 103(a) as being unpatentable over Covington JR et al. (US 2003/0009448) in view of Pundarika et al. (US 2003/0043144) and further in view of Robinson (US 7,072,846) and further in view of Petras et al. (US 2001/0047290). Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Covington in view of Pundarika and further in view of Robinson and further in view of Petras and further in view of Pinsonnault et al. (US 2004/0193480). Claim 16 is

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unpatentable over Covington JR et al. in view of Pundarika and further in view of Robinson and further in view of Petras and further in view of Edwards et al. (US 2002/0038430). Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Covington in view of Pundarika and further in view of Robinson and further in view of Petras and further in view of Gonzales (US 2002/0152087).

Applicant submits that all of the claims currently pending in this application are patentably distinguishable over the cited references, and reconsideration and allowance of this application are respectfully requested.

Amended independent **claims 1 and 28** include, among other limitations, "selecting a category from the displayed predetermined categories by a user," "displaying categorizers for the selected category," "selecting a categorizer from the displayed categorizers by the user," "initiating a search for one or more pre-existing items in the computer network based on the selected category and the selected categorizer as search parameters," and "sharing the incentive among an early categorizer and a subsequent categorizer whose subsequent categorization is based on the categorization of the early categorizer and allocating the incentive between the early categorizer and the subsequent categorizer." None of the cited references, alone or in combination, teach or suggest the above limitations.

First, with regard to the limitation of "selecting a category from the displayed predetermined categories by a user," and "displaying categorizers for the selected category," the "experts" or "database managers" (the alleged categorizers) of Covington are not first, displayed and second not displayed "for the selected category." Pundarika does not cure the above deficiencies of Covington, because book reviewers of Pundarika are not displayed "for the selected category" for a search "based on the . . . selected categorizer as search parameter." In Robinson, there is one cluster creator for each cluster and that cluster creator is not displayed "for the selected category."

In contrast, in the claimed invention, for example as shown in FIG. 6, a user first selects a category in box 61 (osteomyelitis) and then the categorizers for that selected category (osteomyelitis) are displayed in box 66 to be then selected by the user.

Second, regarding the limitation of "sharing the incentive among an early categorizer and a subsequent categorizer whose subsequent categorization is based on the categorization of the early categorizer and allocating the incentive between the early categorizer and the subsequent categorizer," Applicant respectfully disagrees with the Examiner that Petras discloses that above limitation in paragraph [0281]. Petras, in the cited text, describes point earning structures for each different member type, Member, Managing Member and Sponsor. These member types are different from each other and have different privileges. (Paragraph [0280], lines 6-15). The Members are being rewarded for using the system, the Managing Members are volunteers, and the Sponsors pay a monthly premium (Paragraph [0281]). Therefore, the only revenue comes from the Sponsors. This revenue coming from the Sponsors can be simply shared with some (top performing) volunteer Managing Members as an "incentive to build the community." (Bottom of paragraph [0281]). There is no disclosure of sharing incentive among an early categorizer and a subsequent categorizer whose subsequent categorization is based on the categorization of the early categorizer in Petras.

As a result, independent claims 1 and 28 are patentable over the cited references.

Amended independent **claims 19 and 38** include, among other limitations, "displaying cost and incentive for the authorized categorizer for the selected category," and "sharing the incentive among an early categorizer and a subsequent categorizer whose subsequent categorization is based on the categorization of the early categorizer." As explained above, none of the cited references, alone or in combination, teach or suggest "sharing the incentive among an early categorizer and a subsequent categorizer whose subsequent categorization is based on the categorization of the early categorizer."

Additionally, Applicant respectfully disagrees with the Examiner's assertion that Robinson teaches the limitation of "displaying cost and incentive for the authorized categorizer for the selected category," in col. 14, lines 59-62. (Office action, page 20, last paragraph.). The cited text in Robinson simply states that "artists are given means to indicate that they wish to pay a particular individual [that is, a different person] to listen to, rate and/or write a review of their work. In some further embodiments, they [the artists] can read the review and decide whether it

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[the review] is to be displayed online." (id., underlining and emphasis added.). This language does not teach "displaying cost and incentive." Rather, it simply explains that an artist can indicate that he/she wants to pay some other person (without any detail of how much and how) and the only thing that is displayed online is the review, not the "cost and incentive."

Consequently, amended independent claims 19 and 38 are also patentable over the cited references.

In short, independent claims 1, 19, 28 and 38 define a novel and unobvious invention over the cited references. Dependent claims 2, 4-18, 20-27, 29, 31-37, and 39-40 are dependent from claims 1, 19, 28 and 38, respectively and therefore include all the limitations of their respective independent claims and additional limitations therein. Accordingly, these claims are also allowable over the cited references, as being dependent from allowable independent claims and for the additional limitations they include therein.

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is now in condition for allowance, and accordingly, reconsideration and allowance are respectfully requested.

Respectfully submitted,
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